

SENATE BILL 1261
By McNally

AN ACT to amend Tennessee Code Annotated, Title 28, Chapter 3, relative to limitation of actions and immunity of certain unincorporated not-for-profit churches.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 28, Chapter 3, is amended by adding the following language as a new part 4:

28-3-401.

(a) The general assembly finds and declares that the services and benefits provided by the several churches and association of churches are critical to the education and welfare of the general public and are critical to the establishment, maintenance, and preservation of the public morals and conduct of the citizens of this state. Therefore, church members must be permitted to join a church or association of churches without concern for the possibility of litigation arising from their membership in a church, church body, or church association.

(b) All members as shown on the church membership roll or church membership list who are not directly involved in making policy or other decisions for the church, church association or church body shall be immune from suit arising from the conduct of

the affairs of actions taken by board or committee members or other leadership of such church, church association, or church body.

28-3-402.

(a) The general assembly finds and declares that the services of boards, committees, and leaders of unincorporated not-for-profit churches and church associations are critical to the efficient conduct and management of the public and charitable affairs of the citizens of this state. Members of such non-profit unincorporated church boards, committees, and church associations must be permitted to operate without concern for the possibility of litigation arising from the discharge of their duties as leaders and policy makers.

(b) All officers, directors, staff, pastors, assistant pastors, music directors, and leaders of all descriptions and types, whether mentioned specifically herein or not, of non-profit unincorporated churches or church associations, whether compensated or not, shall be immune from suit arising from the conduct of the affairs of such unincorporated church or association of churches. Such immunity from suit shall be removed when such conduct amounts to willful, wanton, or gross negligence.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.